

Remarks/Arguments

Claims 1-44 were filed in this application. Claims 32-41 have been withdrawn due to a restriction requirement. Claims 21-31 are allowed. Claims 1, 3 and 10 have been amended. Claim 2 has been cancelled as its subject matter has been incorporated into claim 1.

The Examiner rejected claims 10-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 has been amended to more clearly recite that the phosphor is provided within an electroluminescent device where the device comprises a structure or substance to minimize or prevent reaction of the phosphor with oxygen.

The Examiner rejected claims 1-4, 6 and 8-9 under 35 U.S.C. 102(b) as being anticipated by U.S. 5,837,320. The Applicants respectfully disagrees with the Examiner. An amendment has been made to the application wherein the subject matter of claim 2 has been inserted into claim 1, and as such the phosphor has a crystal grain dimension of up to about 50 nm. In contrast, and as noted by the Examiner, the '320 patent discloses a ZnS film with a grain structure of 60-100nm which clearly falls outside the scope of claim 1 and thus claims dependent therefrom.

The Examiner rejected claims 1 and 7 under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,837,320. Again, the Applicants respectfully disagree with the Examiner. Nowhere in the '320 patent is a zinc sulfide phosphor disclosed having a grain size of up to about 50nm. This provides for a phosphor with better luminance than a conventional large grained phosphor. Furthermore, nowhere in the '320 patent is it suggested that a zinc sulfide phosphor can be made with a grain size of up to 50nm. The '320 patent is restricted to phosphors with grain sizes of 60 nm to 100nm and nowhere in this patent do they suggest that a smaller grain size is desirable. With respect to the film thickness, the '320 patent doesn't disclose or suggest providing such a thickness further in conjunction with the smaller grain size. For these reasons, the '320 patent cannot render obvious these claims.

The Examiner rejected claims 1-6, 8-10 and 12 under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 14-16 and 23 of co-pending Application Serial No. 10/736,020 (the Examiner referred to 10/736,320 but this must be an obvious clerical error). The Applicants will remove this subject matter from the '020 application.

In view of the foregoing, the Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,
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